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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Docket No.: 10001459-1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michael R. Krause, et al.

Confirmation No.:

Application No.: 09/783,159

Examiner: Not Yet Assigned

Filed: February 13, 2001

Art Unit: N/A

For: HIGHLY AVAILABLE, MONOTONIC
INCREASING SEQUENCE NUMBER
GENERATION

RECEIVED

SEP 04 2003

Technology Center 2100

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR §§ 1.56, 1.97, and 1.98, the attention of the Patent and Trademark Office is hereby directed to the information contained herein. It is respectfully requested that the information be expressly considered by the Examiner during the prosecution of this application.

During development of a computer system, the present invention was developed. At least some of the claimed subject matter was implemented in circuitry. The implemented circuitry was planned to be included in the computer system upon sale of the computer system. However, the claimed subject matter was not included or otherwise specified in an offer for sale.

After implementing some of the claimed subject matter for inclusion in the computer system, it was decided to forgo support of the claimed subject matter in the computer system. To avoid re-designing the computer system to omit the circuitry, the circuitry implementing some of the claimed subject matter was physically modified such that it could no longer

perform the functionality of the claimed subject matter in any manner. The purpose of the modification was to affirmatively avoid disclosure, use, or sale. After this modification, a computer system was sold to a customer that included the physically modified circuitry.

It is respectfully submitted that the sale of the computer system does not constitute an event that would prevent patentability under 35 U.S.C. § 102. Specifically, none of the claimed subject matter was published, because there was no "public accessibility" of a publication as required. *See Northern Telecom, Inc. v. Datapoint Corp.*, 15 USPQ2d 1321 (Fed. Cir. 1990). Secondly, there was no public use of the invention, because the circuitry implementing some of the claimed subject matter was modified to prevent any use of the functionality. There was no sale of the invention, because the circuitry was modified to prevent any use of the respective functionality. Additionally, there was no commercialization of the invention, because no portion of the purchase price for the computer system was derived or dependent on the inclusion of any of the claimed subject matter.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR § 1.97(b)(3)).

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. In accordance with 37 CFR § 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

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The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to the Deposit Account No. 08-2025, under Order No. 10001459-1.

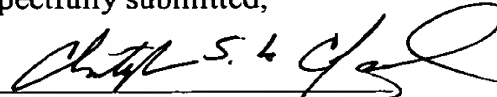
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: August 28, 2003

Typed Name: John Pallivathukal

Signature: 

Respectfully submitted,

By 

Christopher S.L. Crawford

Reg. No.: 51,586

Date: August 28, 2003

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